

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MERLE D. FITZGERALD, JR.,	:	
Plaintiff	:	
	:	
v.	:	Civil No. AMD 04-3649
	:	
MARLON RENE LYNCH, et al.,	:	
Defendants	:	
	:	
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MEMORANDUM

Plaintiff filed this wrongful death action, in which he included three counts asserted pursuant to 42 U.S.C. § 1983, against a former school police officer, defendant Marlon Lynch, and his former employer, defendant The New Board of School Commissioners of Baltimore City, in the Circuit Court for Baltimore City. Defendant timely removed the case. The claims arise out of Lynch's shooting of plaintiff's decedent.

In response to a motion for summary judgment filed by defendant The New Board of School Commissioners of Baltimore City, plaintiff has conceded that he may not sustain a claim under 42 U.S.C. § 1983. In addition, he wishes to dismiss voluntarily with prejudice the federal claim against Lynch. Accordingly, the federal claims asserted herein shall be dismissed with prejudice and, in the absence of diversity of citizenship jurisdiction, the court declines to exercise supplemental jurisdiction over the remaining state law claims and the case shall be remanded to state court. An order follows.

Filed: July 11, 2006

/s/
Andre M. Davis
United States District Judge